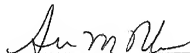


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q77791	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/722,499	Filed November 28, 2003	
	First Named Inventor Michael CUYLEN		
	Art Unit 2138	Examiner Dipakkumar B. GANDHI	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>48,294</u></p> <p style="text-align: right;"> Signature</p> <p style="text-align: right;"><u>Allison M. Tulino</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>November 13, 2006 (since November 11, 2006 fell on a Saturday)</u> Date</p>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77791

Michael CUYLEN

Appln. No.: 10/722,499

Group Art Unit: 2138

Confirmation No.: 7666

Examiner: Dipakkumar B. GANDHI

Filed: November 28, 2003

For: METHOD FOR PROTECTED TRANSMISSION OF DATA VIA AN AIR INTERFACE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated August 11, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

As of the final rejection, dated August 11, 2006, claim 1 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao (JP 59045738) in view of Thompson (US 3,699,479), claims 2-3 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Roche (US 4,138,596), claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson, Roche and Sainomoto (US 2001/0054109 A1), claims 5-6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Boros (US 4,095,165), claim 7 is rejected under 35

U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Fairbairn (US 4,181,850), claims 8-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Sato (US 4,087,627), claims 11-15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson and Gomm (US 5,650,761), and claims 16-19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Masao, Thompson, Kuttruff (US2002/0080864 A1) and Eckstein (US 2001/0040507 A1).

A. Claim 1

Claim 1 recites forming a count from a first transmitted sequence. Claim 1 further recites generating error information when a first final value of the count differs from a second final value, where the second final value is also formed from the first transmitted sequence.

In the August 11, 2006, Final Office Action, the Examiner continues to maintain that the above features are taught in the Abstract of Masao. In the May 16, 2006 Response, Applicant specifically requested the Examiner to indicate where the claimed first transmitted sequence, first final value and second final value are taught in the Abstract of Masao. In response to this request, the Examiner appears to maintain that the set data of Masao discloses the claimed first transmitted sequence, the end result determined by the MPX discloses the claimed first final value and the end result count of the RD signal discloses the claimed second final value (pg. 2 of August 11, 2006 Final Office Action). Applicant submits, however, that as recited in claim 1, both the first final value and the second final value are determined from the first transmitted sequence. Applicant submits that since the alleged second final value of Masao is formed from

the RD signal rather than the set data (alleged first transmitted sequence), Masao fails to teach or suggest the claimed second final value.

In the October 19, 2006, Advisory Action, the Examiner responded to the above arguments by merely reiterating the English Abstract of the Masao reference. Therefore, Applicant presents the following additional comments. Assuming *arguendo* that the RD signal is used to determine the second final value, the RD signal is only sent to the shift register SFT2 and the UDCNT. Values from these two elements appear to be compared at the comparison circuit CMP (figure of Abstract). Applicant submits, however, that there is no teaching or suggestion that the UDCNT value of transmission signal SD is compared with the value of the UDCNT of the receiving data RD.

Since Thompson fails to cure the deficient teachings of Masao set forth above, Applicant submits that claim 1 is patentable over the cited references.

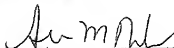
B. Claims 11, 13 and 15

Since claims 11, 13 and 15 contain features that are analogous to the features discussed above in regard to claim 1, and Gomm fails to cure the deficient teachings of Masao and Thompson regarding claim 1, Applicant submits that claims 11, 13 and 15 are patentable for at least analogous reasons as claim 1.

C. Claims 2-10, 12, 14 and 16-19

Since claims 2-10, 12, 14 and 16-19 are dependent upon one of claims 1, 11, 13 or 15, and Roche, Sainomoto, Boros, Fairbairn, Sato, Gomm, Kuttruff and Eckstein fail to cure the deficient teachings of Masao and Thompson, in regard to claims 1, 11, 13 or 15, Applicant submits that claims 2-10, 12, 14 and 16-19 are patentable at least by virtue of their dependency.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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